

COLCHESTER CONSERVATION COMMISSION
Regular Meeting Wednesday, September 11, 2013
Town Hall, 127 Norwich Avenue, Room 1
Minutes of Meeting

Amended

MEMBERS PRESENT: Falk von Plachecki, Chairman; Kurt Frantzen, Vice Chairman; Moe Epstein, Darrell York and Sue Bruening and alternate Ericka Fuery; Staff: Wetlands Enforcement Officer: Jay Gigliotti

MEMBERS ABSENT: Alternate: Andrew George, Jim Ford, Board of Selectmen Liaison

A. CALL REGULAR MEETING TO ORDER

Chairman von Plachecki called the Regular Meeting to order at 7:04 p.m.

B. ADDITIONS TO AGENDA – None

Staff requested that the Commission re-order the agenda. Motion made by K. Frantzen move Item A under new applications to pending applications and move items A & B under pending applications to new applications. Seconded by E. Fuery. Motion Carried Unanimously.

C. APPROVAL OF MINUTES – Meeting Minutes of August 11, 2013

Motion by K. Frantzen, seconded by M. Epstein to approve the minutes of the August 11, 2013 Regular Meeting. E. Fuery abstaining

Motion carried

D. PUBLIC COMMENT – None

E. PENDING APPLICATIONS None

F. von Plachecki stepped down as Chairman and left the room. K. Frantzen, Vice Chairman took over as Chairman.

- A. W2013-2959 – Falk von Plachecki applicant, Nancy Wasniewski property owner, 4 & 6 River Rd, Assessor's Map 6-12 Lot #29, 2-Lot Subdivision, No proposed Construction, No Wetlands or URA on Property.**

S. Bruening asked J. Gigliotti to review the application. J. Gigliotti explained the reasoning for the application and also restated that no construction activities were being proposed.

Motion by S. Bruening, seconded by D. York to approve application W2013-2959. **Motion carried unanimously.**

F. von Plachecki returned as Chairman

F. NEW APPLICATIONS-

- A. W2013-2960- 67 Bulkeley Hill Rd, Nicholas Zito-Applicant, Peter Marlow- Property Owner, Assessor's Map 4W-05 Lot 014-000, Renewal of Timber Harvest permit W2008-2902, As-of-Right Activity, multiple wetland & Stream Crossing as well as activity within the upland review area. Existing permit set to expire in October.**

J. Gigliotti presented the application via a power point presentation. He explained to the Commission that this application was for the renewal of an existing permit and the site conditions had not changed. He told the Commission that there were x5 stream and wetland crossings and how they were to be installed and utilized. He also reviewed the E&S sedimentation control plan. Discussion Followed.

Nicholas Zito, of Marlow Timber Products, summarized the harvest and the reasoning for renewal.

Motion by K. Frantzen, seconded by M. Epstein, to approve a 5yr renewal of W208-2902, imposing the same conditions. If not revoked or specifically extended, Timber harvest permit shall be null and void on October 14, 2018.

Motion Carried Unanimously

- B. W2013-2961- 225 Chestnut Hill Rd, Gary Sousa-Applicant, Leonard & Paulette Sousa-Property Owners, Assessor's Map 4E-05 Lot #15-2A, Clearing & Development within the Conservation Easement on Property DRD-11.15.13**

J. Gigliotti presented the application via a power point presentation. He also provided pictures of the driveway turn around and the clearing within the Conservation Easement. He additionally made references to the approved subdivision maps and

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the approved plot plan for the lot build out. Each of these depicted the driveway turnaround to be constructed outside the conservation Easement Area. Discussion followed.

Charles Dutch, of Dutch and Associates spoke on behalf of the applicant. He explained to the commission that he felt none of the construction of the driveway or the associated clearing was done intentionally. He explained that the language filed in the land records never spoke about access and that the applicant was willing to provide mitigation in order to retain the turnaround portion of the driveway.

Discussion followed concerning the turnaround and the conservation easement. Chairman F. Von Plachecki stated that this was a formal application and the commission could not vote on it this evening, due to the statutory 31 day time requirement. The commission agreed that the applicant should return with a revised plan showing the removal of the driveway turnaround and a detailed planting plan certified by a licensed Landscape architect.

Motion by S. Bruening, Seconded by, Morris Epstein to table application W2013-2961 for revised plans, and to satisfy statutory requirements.

Motion Carried Unanimously

G. NEW BUSINESS – None

H. OLD BUSINESS – None

I. ENFORCEMENTS –

A. 13 Rudden Lane

J Gigliotti Informed the Commission that the applicant had settled on Mr. Rob Hellstorm and his firm to complete the necessary Mapping required by the Commission. J. Gigliotti told the Commission he applicant had been given ample time to select a firm and begin the application process.

Motion by Kurt Frantzen, seconded by M. Epstein that if no application has been submitted to commission and/or permit in place by the October meeting, the commission shall take additional enforcement action on the 13 Rudden Lane Enforcement.

Motion Carried Unanimously

K. CORRESPONDENCE

A. Memo from Mr. Gregg Schuster, Colchester First Selectman regarding withdrawn Subdivision Application, W2013-2957- Estate of Barbra Standish, Usher Swamp Rd, Assessor's Map# 2-14 Lot# 7-4, Proposed 6-Lot Subdivision

A Memo from the First Selectman, Mr. Gregg Schuster, was distributed to the Commission regarding the above mentioned withdrawn Application. The applicant's representative had met with Mr. Schuster to request the waiver of fees for the submission of a new application. In his memo, Mr. Schuster explained that when the Board of Selectmen considers fee requests, they always ask for a recommendation from the pertinent board or commission.

J. Gigliotti recapped the history of the application, totaled what the amount of fees would be for a new application and advised the commission that, in total, he had spent approximately 8 hours of his time working on either the original application and all of the meetings with the applicants representatives concerning the fee waiver request.

M. Epstein explained that, in the past, the Conservation Commission had previously issued refunds to applicants provided the reasoning was acceptable to the Commission. Discussion followed.

Motion by M. Epstein, seconded by S. Bruening, to recommend that the Board of Selectmen waive the amount of \$450, when the applicant is resubmits the application.

Motion Carried Unanimously

B. Continued Discussions of Proposed Revisions to Inland Wetland & Watercourse Regulations- Receipt of Staff Comments

The Commission discussed comments received from the Zoning Enforcement Officer relative to the proposed revisions to the Inland wetland regulations. K. Frantzen shall meet with J. Gigliotti to review the zoning officer's comments against the CT DEEP Model regulations. M. Epstein requested J. Gigliotti to find out from CT DEEP how long the commission has to wait to receive comments from CT DEEP before they can act on the regulations. He shall find out and let the commission know at the

next regular meeting. The commission determined that it would be a good idea to schedule a Public Hearing for the October Meeting.

Motion made by K. Frantzen, seconded by S. Bruening to schedule a Public Hearing per the requirements of the Connecticut General Statutes for the Inland Wetland Regulation revisions.

Motion Carried Unanimously

C. Mitigation Areas & Planting Lists at Tractor Supply

J. Gigliotti informed the commission that the mitigation areas at the Tractor Supply Store had been constructed and shall be planted by the end of the week. During the construction of these areas, both Mr. Gigliotti & the wetlands scientist for the Project, Mr. George Logan, was on site during the construction.

C. Town Tree Removal

J. Gigliotti explained that he has been charged with providing the tree warden duties for the Town of Colchester. Mr. Gigliotti was previously the assistance tree warden, however, due to staff changes; Mr. Gigliotti is the only employee in Town with proper qualifications to perform these duties. He explained that the Town has nearly completed their cutting program for the year. Any trees that have been marked, but not yet removed, shall be done so in the next week or so.

D. Mapping

J. Gigliotti explained to the commission that he had made 18 Maps on the GIS software for the Plan of Conservation and Development. The consultant had required the town to provide the mapping for the POCD, which was completed by J. Gigliotti. He further explained that the development of these GIS maps took a significant amount of time to complete.

Chairman von Plachecki stated that he had received an email from the Town administration inviting the Commissions/Boards chairmen and any of his/her commission members to any of the meeting held in development of the POCD. The commission requested J. Gigliotti schedule "Special Meeting" notices as it appears as at any given POCD meeting, the conservation commission shall have a quorum present.

E. Construction Updates

J. Gigliotti informed the commission that the Tractor supply store was nearing completion. He anticipates an opening date around 10/15/13

L. ADJOURNMENT

Motion by D. York, seconded by K. Frantzen to adjourn the meeting at 9:05 p.m.

Motion Carried Unanimously

Respectfully Submitted,

Jay Gigliotti, Environmental Planner/ Wetlands Officer